IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/810929	Confirmation No.:	3067

Applicant: Edmund Messina

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Examiner: Kalpana Bharadwaj

Customer No.:   35684

Docket No.:   139612-1

For: Computer-Based System and Computer Program for Interrogating a User and Generating a Result Based Upon the User's Interrogatory Responses

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

MS Appeal Brief – Patents
Commissioner for Patents
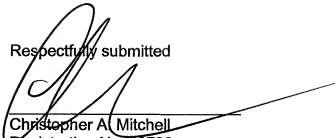P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Appeal Brief dated 8 December 2009, Applicant submits herewith replacement pages 7-9 of the Appeal Brief as filed 23 November 2009, which pages constitute the amended Summary of Claimed Subject Matter Section of that brief.

Any fee deficiencies may be charged, or any overpayment credited, to our deposit account 12-2136.

Respectfully submitted

Dated: <u>January 8, 2010</u>

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V.   Summary of Claimed Subject Matter

The claimed subject matter relates to a computer program and computer-based system and method for interrogating a user, and more particularly to a database of processes, including questions, having a predefined relationship between a pre-designated starting process and one or more ending processes to thereby define a plurality of possible logical paths through the database, wherein the selection of one of the possible paths through the database proceeds as dictated by the user's answers to the questions. (*See* Specification at p. 2, lines 1-6.)

The accuracy of the information developed from conventional interrogation, whether it be from inter-personal communications or the mere filling out of a form questionnaire, depends at least in part upon the nature and quality of the questions presented, the nature and quality of the answers, as well as the nature and quality of the interrogation process, all of which limitations implicate the more fundamental issue of the scope of the interrogating party's knowledge of the subject of questioning. Thus, in the exemplary, but by no means limited, example of performing medical diagnoses, the accuracy of a resulting diagnosis will often be compromised by the extent of the physician's familiarity with the illness and its symptoms, which familiarity will, in turn, affect the types and number of questions presented to the patient by the physician, and the patient's answers to those questions. These and other limitations of prior art interrogation methodologies are addressed by a computer program, system and method for interrogating a user and generating a result, for example a report, video presentation, web-site presentation, etc., based upon the user's interrogatory answers.

The invention in one form (*see* claim 1) comprises a computer-readable memory device encoded with a database (see **FIG. 1**, ref. **100**) including a plurality of predefined questions and associated, predefined answers, wherein the plurality of questions and answers are organized in a predefined relationship between a pre-designated starting question and one or more ending questions to thereby define a plurality of possible logical interrogatory paths through the database (see, *e.g.,* Specification at p. 9, line 22 – p. 10, line 2; Specification at p. 10, lines 10-18; see *also* **FIG. 2**, refs. **102** and **103**; and **FIGS. 3** and **4**, refs. **201** and **202**), and wherein further selection of any of the plurality of possible logical paths is user-answer-dependent (see, *e.g.,* Specification at p. 10, lines 10-18, and page 11, line 8 – p. 12, line 13; see *also* **FIGS. 2** and **6**); a computer-readable memory device encoded with a user interface for displaying questions from the database and accepting answers from a user (*see, e.g.,* **FIG. 1**, ref. **200**; Specification at p. 28, line 10 – p. 29, line 22; and **FIGS. 3 - 5**); and a computer-readable memory device encoded with an engine operative to present questions from the database to the user interface, and to navigate one of the plurality of possible logical interrogatory paths through the database as dictated by a user's answers to the questions presented at the user interface (see, *e.g.,* Specification at p. 8, lines 10-20; Specification at p. 30, line 2 – p. 31, line 8; and **FIG. 1**, ref. **300**).   .

In another form (see claim 10), the invention comprises computer-based system for interrogating a user and generating a result, for example a report, custom video presentation, web-site presentation, etc., based upon the user's interrogatory answers, the system comprising: At least one computer including a computer-readable memory device encoded with a database (see **FIG. 1**, ref. **100**) comprising a plurality of predefined questions and associated, predefined answers, wherein the plurality of questions and answers are organized in a predefined relationship between a pre-designated starting question and one or more ending questions to thereby define a plurality of possible logical interrogatory paths through the database (see, e.g., Specification at p. 9, line 22 – p. 10, line 2; Specification at p. 10, lines 10-18; see also **FIG. 2**, refs. **102** and **103**; and **FIGS. 3** and **4**, refs. **201** and **202**), and wherein further the selection of any one of the plurality of possible logical paths is user-answer dependent (see, e.g., Specification at p. 10, lines 10-18, and page 11, line 8 – p. 12, line 13; see also **FIGS. 2** and **6**); at least one user interface for displaying questions from the at least one computer comprising the database to be answered by a user, and for accepting answers from a user provided in response to the displayed questions (see, e.g., Specification at p. 28, line 10 – p. 29, line 22; see also **FIG. 1**, ref. **200**; and **FIGS. 3 - 5**); and at least one computer including a computer-readable memory device encoded with an engine to present questions from the database to the user interface to be answered by a user, and to navigate one of the plurality of possible logical interrogatory paths defined by the relationship between the pre-designated starting question and the one or more ending questions as dictated by a user's answers to the questions presented at the user interface (see, e.g., Specification at p. 8, lines 10-20; Specification at p. 30, line 2 – p. 31, line 8; and **FIG. 1**, ref. **300**).

According to the method of the invention (see claim 19), there is provided a process for questioning a user and generating a result, for example a report, custom video presentation, web-site presentation, etc., based upon the user's interrogatory answers, by the steps of: Interrogating the user with predefined questions from a computer database (see **FIG. 1**, ref. **100**) comprising the predefined questions and associated, predefined answers, wherein the questions and answers are organized in a predefined relationship between a pre-designated starting question and one or more ending questions to thereby define a plurality of possible logical interrogatory paths through the computer database, the selection of any one of the plurality of possible logical paths being user-answer-dependent (see, e.g., Specification at p. 9, line 22 – p. 10, line 2; Specification at p. 10, lines 10-18; see also **FIG. 2**, refs. **102** and **103**; and **FIGS. 3** and **4**, refs. **201** and **202**), and wherein further the interrogation step is facilitated by an user interface operative to display the predefined questions from the at least one computer database, and to accept answers from a user provided in response to the displayed questions (see, e.g., Specification at p. 28, line 10 – p. 29, line 22; see also **FIG. 1**, ref. **200**; and **FIGS. 3 - 5**); and displaying a result at the user interface following the

interrogation step, wherein the result is based upon a user's answers to the displayed questions (*see, e.g.,* Specification at p. 10, lines p. 32, lines 11-13).